



Twin Falls City Council Agenda

Monday, May 9, 2022, 4:00 PM

****SPECIAL MEETING****

The Twin Falls City Council will meet at 4:00 p.m., for the purpose of: **EXECUTIVE SESSION 74-206 (1)(b)** To consider the evaluation, dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent, or public school student.

The regular meeting will start at 5:00 p.m.

Members: Ruth Pierce, Christopher Reid, Craig Hawkins, Nikki Boyd, Shawn Barigar, Jason Brown, Spencer Cutler

1) CALL MEETING TO ORDER/CONFIRMATION OF QUORUM

2) EXECUTIVE SESSION

- a) **ACTION ITEM:** **EXECUTIVE SESSION 74-206 (1)(b)** To consider the evaluation, dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent, or public school student.

By: Travis Rothweiler, City Manager

3) PLEDGE OF ALLEGIANCE

4) PROCLAMATIONS

5) CONSENT CALENDAR

- a) **ACTION ITEM:** Request to approve May 2, 2022 City Council Minutes.

By: Erin Parrish, Executive Assistant

- b) **ACTION ITEM:** Request to approve Accounts Payable for April 28-May 4, 2022.

By: Amy Luna, Finance Administrative Assistant

- c) **ACTION ITEM:** Request to approve a short-term extension of the Bureau of Land Management (BLM) airport ground lease from April 1, 2022 to September 30, 2022.

By: William Carberry, Airport Manager

- d) **ACTION ITEM:** Approval of the Findings of Fact and Conclusions of Law:
Federation Point ZDA

Residences at Breckenridge #1 Final Plat

By: Jonathan Spendlove, Planning & Zoning Director

6) ITEMS OF CONSIDERATION

- a) **ACTION ITEM:** To authorize the reallocation of a portion of unused Planning and Zoning Department budgeted salaries to hire a consultant for the purpose of finishing the Title 10 Re-Write project.

By: Jonathan Spendlove, Planning and Zoning Director

- b) **ACTION ITEM:** A request to initiate a public process to amend City Code, Title 7, Chapters 3 and 8 regarding property owners being responsible for City utility accounts.

By: Brent Hyatt, Assistant Finance Director

7) GENERAL PUBLIC INPUT

8) ADVISORY BOARD REPORT/ANNOUNCEMENTS

9) PUBLIC HEARINGS - None.

10) EXECUTIVE SESSION

- a) **ACTION ITEM: EXECUTIVE SESSION 74-206 (1)(b)** To consider the evaluation, dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent, or public school student.

By: Travis Rothweiler, City Manager

11) ADJOURNMENT

Any person(s) needing special accommodations to participate in the above-noticed meeting could contact Josh Palmer (208) 735-7312 at least two working days before the meeting. Si desea esta información en Español, por favor llame a Josh Palmer al teléfono (208) 735-7312.

Public Input Procedures

1. Individuals wishing to provide public input regarding matters relevant to the City of Twin Falls shall:
 - Wait to be recognized by the Mayor or Chairman
 - Approach the microphone/podium
 - State their name, and whether they are a resident or property owner in the City of Twin Falls, and proceed with their input.
2. The Mayor or Chairman may limit input to no less than two (2) minutes. Individuals are not permitted to give their time to other speakers.

Public Hearing Procedures for Zoning Requests

1. Prior to opening the first Public Hearing of the session, the Mayor or Chairman shall review the public hearing procedures.
 2. Individuals wishing to testify or speak before the City Council or Planning & Zoning Commission shall wait to be recognized by the Mayor or Chairman, approach the microphone/podium, state their name, and then proceed with their comments. Following their statements, they shall write their name and address on the record sheet(s) provided by the staff. The staff shall make an audio recording of the Public Hearing.
 3. A City Staff Report shall summarize the application and history of the request.
 4. The Applicant, or the spokesperson for the Applicant, will make a presentation on the application/request (request). No changes to the request may be made by the applicant after the publication of the Notice of Public Hearing. The presentation should include the following:
 - A complete explanation and description of the request.
 - Why the request is being made.
 - Location of the Property.
 - Impacts on the surrounding properties and efforts to mitigate those impacts.
 5. Applicant is limited to 15 minutes, unless a written request for additional time is received, at least 72 hours prior to the hearing, and granted by the Mayor or Chairman.
 6. The City Council or Planning & Zoning Commission may ask questions of staff or the applicant pertaining to the request.
 7. The general public will then be given the opportunity to provide their testimony regarding the request. The Mayor or Chairman may limit public testimony to no less than two (2) minutes per person.
 - Individuals are not permitted to give their time to other speakers.
 - However, five (5) or more individuals that received written notice of the public hearing may appoint, by written petition, a spokesperson. The written petition must be received at least 72 hours prior to the hearing and must be granted by the Mayor or Chairman. The spokesperson shall be limited to 15 minutes.
 - Written comments, including e-mail, received by 12:00 p.m. on the date of the hearing shall be either read into the record or displayed to the public on the overhead projector.
 8. Following the Public Testimony, the applicant is permitted five (5) minutes to respond to Public Testimony.
 9. Following the Public Testimony and Applicant's response, Council or Commission members, as recognized by the Mayor or Chairman, shall be allowed to question the Applicant, Staff or anyone who has testified. Responses shall be limited to answering the questions asked. The Mayor or Chairman may limit the time permitted for the answer.
 10. The Mayor or Chairman shall close the Public Hearing. The City Council or Planning & Zoning Commission shall deliberate on the request. Deliberations and decisions shall be based upon the information and testimony provided during the Public Hearing. Once the Public Hearing is closed, additional testimony from the staff, applicant or public is not allowed. Legal or procedural questions may be directed to the City Attorney.
- * Any person not conforming to the above rules may be prohibited from speaking. Persons refusing to comply with such prohibitions may be asked to leave the hearing and, thereafter removed from the room by order of the Mayor or Chairman.



Twin Falls City Council Minutes

Monday, May 2, 2022, 5:00 PM

Council Chambers
203 Main Avenue East- Twin Falls, Idaho

AMENDED

1) CALL MEETING TO ORDER/CONFIRMATION OF QUORUM

Present: Mayor Ruth Pierce; Vice Mayor Christopher Reid; Council Members Jason Brown, Shawn Barigar, Craig Hawkins, Spencer Cutler, Nikki Boyd

Absent: None.

Staff Present: Travis Rothweiler, City Manager; Mitch Humble, Deputy City Manager; Gretchen Scott; Deputy City Manager; Erin Parrish, Executive Assistant; William Carberry, Airport Manager; Mandi Thompson, Assistant to the City Manager; Josh Baird, Public Works Director; Ian Zollinger, City Planner; Nathan Erickson, Environmental Manager; Lou Coronado, Sergeant, Twin Falls Police Department; Craig Kingsbury, Chief, Twin Falls Police Department; Mike Plane, Network Administrator; Josh Palmer, Public Information Coordinator, Jonathan Spendlove, Planning and Zoning Director; Shayne Nope, City Attorney, Wendy Davis, Parks and Recreation Director; Les Kenworthy, Chief, Twin Falls Fire Department.

Mayor Pierce called the meeting to order at 05:00PM.

A quorum was present.

2) PLEDGE OF ALLEGIANCE

Mayor Pierce invited all present, who wished, to recite the Pledge of Allegiance to the Flag.

3) PROCLAMATIONS

a) Idaho Gives Proclamation 2022.

Mayor Pierce read the proclamation and declared May 2-5, 2022, as Idaho Gives Week.

4) CONSENT CALENDAR

MOTION: Council Member Hawkins moved to approve the Consent Calendar as written. **Council Member Barigar** seconded the motion. Roll call vote showed all members present voted.

Approved 7 to 0.

- a) Request for Approval of the Final Plat for the Residences at Breckenridge No. 1 (PZ22-0084).
- b) Request to approve the Bands at the Bridge event.
- c) Request to hold the Magic Valley Refugee Day.
- d) 20220425 City Council Minutes.
- e) Request to approve Accounts Payable for April 21-27, 2022.

5) ITEMS OF CONSIDERATION

- a) Consideration of a Request by Air Magic Valley for Public Safety Support and Special Event Fee Waiver for Joslin Field's 75th Anniversary Celebration Air Show June 16-17th, 2023. **William Carberry, Airport Manager**, spoke about Air Magic Valley and then introduced **Jim O'Donnell, Air Magic Valley**, who gave a presentation to council members.

Discussion ensued on the following:

Council Member Barigar asked about the event being in 2023 and the budget.

MOTION: Council Member Boyd moved to grant the request for Air Magic Valley for Public Safety Support and Special Event Fee Waiver for Joslin Field's 75th Anniversary Celebration Air Show June 16-17th, 2023. **Vice Mayor Reid** seconded the motion. Roll call vote showed all members present voted. Approved 7 to 0.

- b) Request to use City reserves for the construction of additional parking at the Twin Falls Animal Shelter at 420 Victory Avenue.

Mandi Thompson, Assistant to the Manager, presented the request.

Discussion ensued on the following:

Council Member Reid asked if the access would be shared by the animal shelter and the new facility and is the animal shelter OK with that?

MOTION: Council Member Barigar moved to approve the request to use City reserves for the construction of additional parking at the Twin Falls Animal Shelter. **Council Member Boyd** seconded the motion. Roll call vote showed all members present voted. Approved 7 to 0.

- c) Request approval to award a contract with Horton Industrial and include 10% construction oversight and observation by Jacobs and a 10% contingency for a total amount of \$188,064 to remove the west digester lining in order to complete the engineering inspection authorized by City Council on April 12, 2021.

Josh Baird, Public Works Director, introduced **Nathan Erickson, Environmental Manager**, who presented the request.

Discussion ensued on the following:

Council Member Boyd asked if the condition of the lining is what we expected?

MOTION: Council Member Brown moved to approve request to award a contract with Horton Industrial and include 10% construction oversight and observation by Jacobs and a 10% contingency for a total amount of \$188,064 to remove the west digester lining in order to complete the engineering inspection authorized by City Council on April 12, 2021. **Vice Mayor Reid** seconded the motion. Roll call vote showed all members present voted. Approved 7 to 0.

6) GENERAL PUBLIC INPUT

None.

7) ADVISORY BOARD REPORT/ANNOUNCEMENTS

Council Member Cutler reported on local emergency planning meetings and the benefits of interagency cooperation. Also, attending regular Historic Preservation Commission meetings and looking at what to do for the anniversary of the Evel Knievel Jump.

Recessed at 5:30 PM for 30 minutes.

8) PUBLIC HEARINGS

Public Hearing began at 6 PM.

- a) Request for an Amendment to the Federation Point ZDA to allow "Private" and "Public School" as an outright permitted use and amend the Conceptual Site Plan in the Zoning Development Agreement c/o Paul Bierlein-Bouma USA on behalf of Hepworth Family Landholdings, LLC. (PZ22-0026)

Mayor Pierce read the rules of a Public Hearing. **Ian Zollinger, City Planner**, presented the request.

Discussion ensued on the following:

Council Member Cutler asked for clarification about the school zone and the gun range.

Council Member Barigar asked for clarification on the set site plan.

Mariela Rosales, Teacher, Gem Prep Charter School, gave a presentation on Gem Prep Charter School.

Adam Bruno, Teacher, Gem Prep Charter School, continued the presentation on college prep and remote options.

Dan Hendrickson, Engineer Gem Prep Charter School, talked about the building plan.

Discussion ensued on the following:

Vice Mayor Reid asked the staff where the crosswalks would be located.

David Thibault, EMH Engineer, clarified where the crosswalks would be in the school zone.

Council Member Cutler asked for further clarification about the Gun Club and its members.

Mayor Pierce opened the public hearing section to questions & comments at 6:24 and closed the public comment section at 6:25pm. No speakers.

MOTION: Council Member Cutler moved to approve the Amendment to the Federation Point ZDA to allow "Private" and "Public School" as an outright permitted use and amend the Conceptual Site Plan in the Zoning Development Agreement. **Council Member Barigar** seconded the motion. Roll call vote showed all members present voted. Approved 7 to 0.

9) EXECUTIVE SESSION

- a) **Executive Session 74-206 (1)(b)** To consider the evaluation, dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent, or public-school student.

Canceled.

10) ADJOURNMENT

Mayor Pierce adjourned meeting at 6:27pm.



Date: Monday May 9, 2022
To: Honorable Mayor and City Council
From: Bill Carberry, Airport Manager

Consent Calendar

Request: Request to approve a short-term extension of the Bureau of Land Management (BLM) airport ground lease from April 1, 2022 thru September 30, 2022.

Background: The City of Twin Falls entered into a 20-year airport ground lease with the BLM March 31, 2002. In order to develop a new long-term lease, the BLM property contracting officer and the airport are requesting the City Council approve a short-term lease amendment which will extend the term from April 1, 2022 thru September 30, 2022. The airport will be working with the BLM and the City Attorney to develop and execute a new long-term ground lease which will be effective October 1, 2022.

Approval Process: A majority vote of the Council is needed to approve the request.

Budget Impact: This agreement will allow for the airport to collect the second half of this year's annual rent (\$19,428.13) from the BLM.

Regulatory Impact: The City Attorney, Shayne Nope has reviewed the lease document and has no objection to its approval and execution.

Conclusion: Staff recommends the City Council approve the request to approve the BLM ground lease amendment, and authorize the Mayor to sign the document.

Attachments: Copy of the BLM airport ground lease amendment.

DEPARTMENT OF THE INTERIOR BUREAU OF LAND MANAGEMENT LEASE AMENDMENT	LEASE AMENDMENT No. 15
	TO LEASE NO. L19PL00008
ADDRESS OF PREMISES: Joslin Field Magic Valley Regional Airport 492 Airport Loop Twin Falls, ID 83303	Consisting of 2 Pages

THIS AMENDMENT is made and entered into between **City of Twin Falls**, whose address is **203 Main Ave E, Twin Falls, Idaho 83301-6230** hereinafter called the **LESSOR** and the **UNITED STATES OF AMERICA**, hereinafter called **GOVERNMENT**, hereinafter jointly referred to as the "Parties":

WHEREAS the Parties hereto desire to amend the above Lease to provide for a short-term Lease extension.

NOW THEREFORE, these Parties for the consideration hereinafter mentioned, covenant and agree that the said Lease is amended, effective **April 25, 2022**, as follows:

Lease Amendment No. 15 is issued to reflect the following revision(s):

- A. To extend the lease for a period beginning April 1, 2022, through September 30, 2022.
- B. Amend the rental rate based on the current commercial rate per square foot.

Therefore, effective April 25, 2022, Paragraph 3. TERM and Paragraph 4. RENTAL are hereby deleted in their entirety and replaced as follows:

"3. TO HAVE AND TO HOLD the said premises with their appurtenances for the term beginning on **April 1, 2002**, through **September 30, 2022**, subject to termination and renewal rights as may be hereinafter set forth.

Continued on Page 2

All other terms and conditions of the lease shall remain in full force and effect.

IN WITNESS WHEREOF, the Parties subscribed their names as of the below date.

FOR THE LESSOR:

FOR THE GOVERNMENT:

Signature: _____

Name: _____

Title: _____

City of Twin Falls

Date: _____

WITNESSED FOR THE LESSOR BY:

Signature: _____

Name: _____

Title: _____

Date: _____

Barbra A. Burns-Fink

Lease Contracting Officer

Bureau of Land Management

Date: *See digital stamp contained above
in the digital signature*

4. RENTAL

- A. Effective **April 1, 2022**, GOVERNMENT shall pay LESSOR a pro-rated rental rate of **\$19,428.13** for the period of April 1, 2022, through September 30, 2022.
- B. Rental payments shall be made annually. Rent for a period of less than one year shall be prorated. Rental payments shall be made payable through the System for Award Management (SAM.gov) payment system registered to ***Twin Falls, City of***.

LESSOR _____ GOV _____



BEFORE THE CITY COUNCIL OF THE CITY OF TWIN FALLS

In Re:	)	
	)	
<u>ZDA Amendment, Application,</u>	)	FINDINGS OF FACT,
	)	
<u>Paul Bierlein-Bouma USA</u>	)	CONCLUSIONS OF LAW,
<u>c/o Hepworth Family Landholdings, LLC</u>	)	
	)	AND DECISION

Applicant(s)

This matter having come before the City Council of the City of Twin Falls, Idaho on Monday, May 2, 2022, for public hearing pursuant to public notice as required by law for an Amendment to the Federation Point ZDA to allow “Private” and “Public School” as an outright permitted use and amend the Conceptual Site Plan in the Zoning Development Agreement, and the City Council having heard testimony from interested parties being fully advised in the matter, now makes the following

FINDINGS OF FACT

1. Applicant has applied for an Amendment to the Federation Point ZDA to allow “Private” and “Public School” as an outright permitted use and amend the Conceptual Site Plan in the Zoning Development Agreement.
2. All legal requirements for notice of public hearing have been met with advertisement taking place on the following dates: April 14, 2022.
3. The property in question is zoned RM/ZDA/CRO pursuant to the Zoning Ordinance of the City of Twin Falls. The property is designated as Town Neighborhood in the duly adopted Comprehensive Plan of the City of Twin Falls.
4. The existing neighboring land uses in the immediate area of this property are: to the north, Gun Club/Federation Road; to the south, Residential; to the east, Mixed Use/Washington Street; to the west, Residential.

Based on the foregoing Findings of Fact, the City Council hereby makes the following

CONCLUSIONS OF LAW

1. The application for an Amendment to the Federation Point ZDA to allow “Private” and “Public School” as an outright permitted use and amend the Conceptual Site Plan in the Zoning Development Agreement is consistent with the purpose of the RM/ZDA/CRO Zone and is not detrimental to any of the outright permitted uses or existing special uses in the area.
2. The proposed use is consistent with the provisions of the Comprehensive Plan and Zoning Ordinance of the City of Twin Falls, and in particular Sections 10-1-4, 10-1-5, 10-4-15, 10-4-19 of the Twin Falls City Code and the PUD Agreement.
3. The proposed use is proper use in the RM/ZDA/CRO Zone, subject to the conditions, which are attached as "Exhibit No. A", and incorporated by reference as though fully set forth herein.
4. The application for an Amendment to the Federation Point ZDA to allow “Private” and “Public School” as an outright permitted use and amend the Conceptual Site Plan in the Zoning Development Agreement should be granted, subject to all applicable requirements of the Zoning Ordinance, Adopted Standard Drawings and City code of the City of Twin Falls and subject to the conditions, which are attached as "Exhibit No. A", and incorporated by reference as though fully set forth herein.

Based on the foregoing Conclusions of Law, the Twin Falls City Council hereby enters the following

DECISION

1. The application for an Amendment to the Federation Point ZDA to allow “Private” and “Public School” as an outright permitted use and amend the Conceptual Site Plan in the Zoning Development Agreement, subject to the conditions which are attached as "Exhibit No. A" and incorporated by reference as though full set forth herein.
2. The applicant shall comply with all applicable requirements of the Adopted Standard Drawings, the Zoning Ordinance, and the City Code of the City of Twin Falls and conditions which are attached as "Exhibit No. A" and incorporated by reference as though fully set forth herein.

MAYOR - TWIN FALLS CITY COUNCIL

DATE

"Exhibit No. A"

1. Subject to site plan amendments as required by Building, Engineering, Fire and Zoning Officials to comply with applicable City Codes and standards.

APPLICATION #PZ22-0026



BEFORE THE CITY COUNCIL OF THE CITY OF TWIN FALLS

In Re:	)	
	)	
<u>Final Plat</u> Application,	)	FINDINGS OF FACT,
	)	
<u>Residences at Breckenridge #1 Subdivision</u>	)	CONCLUSIONS OF LAW,
Applicant(s).	)	
	)	AND DECISION

This matter having come before the City Council of the City of Twin Falls, Idaho on May 2, 2022, for consideration of the final plat of the Residences at Breckenridge #1 Subdivision, approximately 10.03 (+/-) acres to develop 55 lots on property located at the 500 block of Canyon Falls Drive, and the City Council having heard testimony from interested parties, having received written Findings from the Planning and Zoning Commission and being fully advised in the matter, now makes the following

FINDINGS OF FACT

1. Applicant has requested approval of the final plat of the Residences at Breckenridge #1 Subdivision, approximately 10.03 (+/-) acres to develop 55 lots on property located at the 500 block of Canyon Falls Drive.
2. The property in question is zoned R4 CRO, R6 ZDA pursuant to the Zoning Ordinance of the City of Twin Falls. The property is designated as Mixed Use in the duly adopted Comprehensive Plan of the City of Twin Falls.
3. The existing neighboring land uses in the immediate area of this property are: to the north, R4 CRO/Residential; to the south, C1 PUD/Commercial; to the east, R4 and C1 PUD/Residential; to the west, R4 and C1 PUD/Multifamily.
4. The City Engineering Office has reviewed the final plat and has approved the proposed street accesses and public utility extensions, subject to availability of such services at the time of development. The developer will pay all costs of public improvements, including but not limited to streets, curb gutter and sidewalks, sewer, water, and pressurized irrigation systems. The proposed development includes dedication of additional right-of-way in compliance with the Master Street Plan.

Based on the foregoing Findings of Fact and the regulations and standards set forth below, the City Council hereby makes the following

CONCLUSIONS OF LAW

1. The final plat of the Residences at Breckenridge #1 Subdivision, approximately 10.03 (+/-) acres to develop 55 lots on property located at the 500 block of Canyon Falls Drive is in conformance with the objectives of the zoning ordinance and the policy for developments in Twin Falls City Code §10-1-4. Specifically, the land can be used safely for building purposes without danger to health or peril from fire, flood or other menace, proper provision has been made for drainage, water sewerage and capital improvements including schools, parks, recreation facilities, transportation facilities and improvements, all existing and proposed public improvements conform to the Comprehensive Plan.

2. The final plat is in conformance with the Comprehensive Plan as required by Twin Falls City Code §10-12-2.3(H)(2)(a).

3. Public services are currently available to accommodate the proposed development, as required by Twin Falls City Code §10-12-2.3(H) (2) (b). Public services may not be available at the time of development, depending upon the speed of development of this and other subdivisions and the ability of the City to obtain additional water and/or sewer capacity.

4. The development of streets, sewer, water, irrigation, dedication of park land and other public improvements at the cost of the developer will not adversely affect any capital improvement plan and will integrate with existing public facilities, as required by Twin Falls City Code §10-12-2.3(H)(2)(c).

5. There is sufficient public financial capability of supporting services for the proposed development, as required by Twin Falls City Code §10-12-2.3(H)(2)(d).

6. There are no other health, safety or environmental problems associated with the proposed development that were brought to the City Council's attention, per Twin Falls City Code §10-12- 2.3(H)(2)(e).

7. The final plat is in conformance with the Preliminary Plat. Based on the foregoing Conclusions of Law, the Twin Falls City Council hereby enters the following

DECISION

The request for approval of the final plat of the Residences at Breckenridge #1 Subdivision, approximately 10.03 (+/-) acres to develop 55 lots on property located at the 500 block of Canyon Falls Drive is hereby granted, subject to final technical review by the City Engineer's Office and subject to the conditions which are attached as "Exhibit No. A" and incorporated by reference as though fully set forth herein. The applicant shall comply with all applicable requirements of the Adopted Standard Drawings, the Zoning Ordinance, and the City Code of the City of Twin Falls.

MAYOR - TWIN FALLS CITY COUNCIL

DATE

"EXHIBIT NO. A"

1. Subject to final technical review by the City Engineering Department and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.



Date: Monday, May 9, 2022
To: Honorable Mayor and City Council
From: Jonathan Spendlove, Planning and Zoning Director

ACTION ITEM

Request:

To authorize the reallocation of a portion of unused Planning and Zoning Department budgeted salaries to hire a consultant for the purpose of finishing the Title 10 Re-Write project.

Time Estimate:

Approximatley five (5) minutes for staff presentation, additional time for Council questions.

Background:

For many years, City Staff has been tasked with updating our Zoning Code (Title 10). In 2017, the City Council directed/authorized City Staff to conduct a complete rewrite of the entirety of Title 10. Since then, we have made great strides in drafting numerous sections, with some of those sections being presented to City Council.

The momentum of the Code rewrite ground to a halt during 2020 due to the pandemic and staff turnover within the Planning Department. We never recovered the momentum we experienced in 2019, but we slowly kept the project progressing in 2021. With the most recent departure of another Staff member in December we have not been able to make any progress worth reporting.

After conducting an assessment of our current draft, we believe the project is 80-90% complete. The bulk of the remaining work is expected to be more of a formatting, organization, and visual graphics nature.

Due to the current staffing situation, we are proposing to utilize the unused salary monies from the Senior Planner position from this years budget to fund a consultant contract to help finish the Title 10 Project. This will still take a concerted effort by staff to work with the consultant, but we hope it could be accomplished over the summer/fall with a finalized draft available for public hearings this fall/winter.

Approval Process:

A motion and majority vote by the Council will give staff the needed direction to proceed.

Budget Impact:

The budgeted salary for the Senior Planner (fully burdened with retirement, insurance, and FICA) is \$103,109.

The position was filled from October 1 to December 31 resulting in \$29,499 being dispensed, with \$73,691 remaining in the budget. Taking only the amounts that would have been dispensed from January 1 to June 1, there is approximately \$43,000 of "salary savings".

Regulatory Impact:

N/A

History:

Analysis:**Conclusion:**

Staff requests authorization to utilize salary savings to contract with a consultant for the purpose of finishing the Title 10 Re-write project.

Attachments:

None



Date: Monday, May 9, 2022
To: Honorable Mayor and City Council
From: Brent Hyatt, Assistant Finance Director

ACTION ITEM

Request:

Staff is seeking approval to proceed with a process that gathers input and brings it back along with a proposed ordinance holding property owners responsible for City utility accounts.

Time Estimate:

20 Minutes.

Background:

On April 11th, a discussion was held with City Council about reducing utility account losses on rental properties. It was proposed that troubled rental properties be identified, and responsibility shifted for their utility accounts to property owners based on a point system. Early in the investigative process, two obstacles to that proposal were recognized:

- Under the proposed system, one occasion when properties would transition would be when accounts were turned over for collection. There is an issue with the gap between when tenants move and when those moving, who don't pay, are identified, and turned over, usually six weeks to two months. By then, a new tenant has set up service. It would be disruptive to revise the new tenant's utility account at that point in time.
- Another issue is that the landlord and renter have usually established a contractual relationship with a lease. It would be troubling to have the City come along after that agreement, and those negotiations, and changed the ground rules between the two about who handles utility services.

Sixteen neighboring communities were contacted for their policies. Four allow tenants to have equal footing with property owners like the City of Twin Falls does now. Twelve hold the property owner responsible.

The eight largest cities in Idaho, other than Twin Falls, were contacted. Half hold property owners responsible for utility accounts and half allow accounts in tenant names.

Along with the reduction in bad debts for the City, the Utility Billing department and the Water department know that there would be significant reductions in work related to shutoffs for non-payments, account on/off for move in/outs, working with customers to set up payment arrangements, and late payments. Specific information will be brought back, showing the potential for workload reductions.

Existing accounts would be grandfathered in. New utility accounts after the effective date would be in the property owner's name.

A sample ordinance is attached.

Approval Process:

Staff is requesting permission to hold two open houses on Thursday, June 9, 2022, for input and

comments on the sample ordinance. One at 4:00 p.m. and one at 7:00 p.m. Staff would then bring comments back for Council's review along with a proposed ordinance.

Budget Impact:

There would be no immediate budget impact. Losses would be reduced over time as the responsibility for utility billing accounts was shifted from tenants to property owners.

Regulatory Impact:

N/A

History:

N/A

Analysis:

Based on the experience of neighboring communities that have recently shifted, the City would save over \$100,000 a year in bad debt expense.

Conclusion:

Staff recommend approval by the Council to proceed.

Attachments:

Sample Ordinance.

Attachments:

None

ORDINANCE NO. 2022-_____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TWIN FALLS, IDAHO, AMENDING TITLE 7, CHAPTERS 3 AND 8 OF TWIN FALLS CITY CODE, PROVIDING THAT OWNERS OF REAL PROPERTY SHALL BE RESPONSIBLE FOR PAYMENT OF FEES RELATING TO PROVISION OF PUBLIC SERVICES, AND PROVIDE AN EFFECTIVE DATE THEREFOR.

WHEREAS, the City of Twin Falls has found it desirable that the owner(s) of real property within city limits should be ultimately responsible for the payment of fees derived from the provision of public water, sanitation, and sewer services, believing that such a modification will allow for the more efficient and reliable collection of fees relating to the provision of such services:

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF TWIN FALLS, IDAHO:

Section 1: That Twin Falls City Code 7-3-12 be modified as follows:

For the service of collecting and disposing of garbage and rubbish, the owner ~~or occupant~~ of each premise from which garbage and rubbish is collected by the City shall be charged such rates as may be established from time to time by resolution of the City Council. Said charges shall be considered a debt owing to the City from the owner ~~or occupant~~ of said premises, ~~and other persons using the disposal area.~~ Fees and rates paid to and collected by independent collectors shall be approved from time to time by resolution of the Council.

No owner ~~or occupant~~ of a premise within the City shall be exempt from the collection and disposal service provided by the City or by individual collectors and licensees, except by special permission of the City Council. All owners ~~or occupants~~ of premises within the City shall be subject to service charges prescribed by the Council, and an adjustment for such charges shall be made at the discretion of said Council.

Charges for sanitation service shall be billed as a separate item on the water service bill.

Section 2: That Twin Falls City Code 7-8-1 be modified as follows:

USER: A person using the water system. This shall be synonymous with "owner." The owner of real property that has been connected to or derives benefit from a public water line, public sanitation, and/or a public wastewater system.

Section 3: EFFECTIVE DATE AND SUNSET DATE

This Ordinance shall take effect for accounts established after October 1, 2022.

PASSED BY THE CITY COUNCIL, _____, 2022.

SIGNED BY THE MAYOR, _____, 2022.

MAYOR

ATTEST:

DEPUTY CITY CLERK